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ONE HUNDRED SEVENTH CONGRESS

# Congress of the United States

## House of Representatives

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INDEPENDENT

April 9, 2002

## Federal Workers Support the Waxman Amendment to H. R. 3925 Improve Training and Protect Trade Secrets

Dear Colleague:

I am writing to ask you to support my amendment to H.R. 3925, the "Digital Tech Corps Act," and to make you aware of the strong support the amendment has received from federal employee representatives.

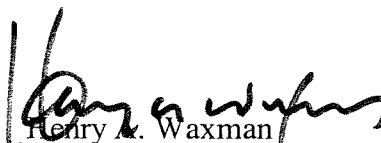
H.R. 3925 blurs the line that should exist between government and corporations, allowing private employers to send information technology experts to work in federal agencies and allowing federal agencies to send information technology experts to work for private employers. My amendment would strengthen the bill by (1) ensuring that private sector employees cannot use their government positions to access trade secrets and other sensitive government information and (2) preventing taxpayer-funded boondoggles by requiring that any placement of federal employees at private companies accomplish legitimate training objectives.

Bobby Harnage, President of the American Federation of Government Employees, has written to me expressing strong support for my amendment:

**The Waxman amendment manages to both eliminate opportunities for conflicts of interest and help agencies to develop the in-house capabilities they need to manage their information technology programs and contracts.**

A copy of Mr. Harnage's letter is attached. I urge you to vote "yes" on this important amendment.

Sincerely,

  
Henry A. Waxman  
Ranking Minority Member

Attachment



# AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

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National President

**Jim Davis**  
National Secretary-Treasurer

**Andrea E. Brooks**  
Director, Women's/  
Fair Practices Department

8a/112959

March 19, 2002



Dear Representative:

On behalf of the American Federation of Government Employees, AFL-CIO, which represents more than 600,000 federal employees serving the American people across the nation and around the world, I urge you to support Representative Henry Waxman's amendment to the Digital Tech Corps Act (H.R. 3925), legislation that will be considered on the floor later this week.

The essence of the Digital Tech Corps Act is an "exchange program," encouraging agencies to send their all too few information technology professionals to the private sector; at the same time, executives from the very same information technology firms that are selling their services to agencies would be deployed in senior-level information technology positions throughout the federal government. The possibility for serious conflicts of interest are obvious. In fact, all talk about "sharing information and learning lessons" to the contrary, the legislation merely contracts out supervision of information technology programs to short-termers whose ultimate loyalty is to their firms and their industry, rather than to the agencies in which they would be deployed and the agencies' customers and billpayers they would supposedly be serving.

**The Waxman amendment manages to both eliminate opportunities for conflicts of interest and help agencies to develop the in-house capabilities they need to manage their information technology programs and contracts.**

## **1) Preventing Incoming Business Executives from Gaining Access to Trade Secrets and Non-Public Information of Commercial Value**

In carrying out their responsibilities, agencies collect and compile all manner of confidential information, affecting taxpayers, firms that do business with or rely on agencies, as well as ordinary Americans who depend on agencies for their discretion. Because they are civil servants who have chosen to devote their lives to public service—rather than business executives who have been temporarily deployed to federal agencies—taxpayers, businesses and ordinary Americans can be assured that confidential information—whether it be trade secrets or

To Do For All That Which None Can Do For Oneself

simply non-public information of commercial value—won't be exploited for private gain.

Under the Digital Tech Corps Act, incoming business executives would be assuming jobs of considerable influence, temporarily taking various senior-level positions in agencies, ranging from the GS-12 level to the GS-15 level. As they would be working in information technology, the incoming business executives would have access to confidential information in agencies' computer databases, ranging from tax returns to drug prices and formulae to Social Security benefits to student loans. And unlike federal employees, who subscribe to the civil service ethos of discretion and respect for privacy and proprietary information and have an abiding, long-term investment in ensuring the integrity of their agencies, these business executives would soon be returning to their real employers in the private sector. By so carelessly blurring the boundaries between public and private, between government and commerce, between confidentiality and discretion, on the one hand, and exploitation and appropriation, on the other hand, H.R. 3925 would indisputably create significant opportunities to take advantage of confidential information.

That's why approval of the Waxman amendment is so important. Special dangers call for special precautions. Rather than rely on post-employment ethics laws that have done so demonstrably little to stop the revolving door from spinning long enough to prevent senior military and civilian personnel from cashing in on their connections, the Waxman amendment would simply prevent short-termers from the private sector from gaining access to trade secrets and non-public information with commercial value. This amendment would ensure that the private interests served by the Digital Tech Corps Act would not trump the public interests of confidentiality and discretion. Ensuring confidentiality and discretion ultimately serves the interests of all Americans, whether they work for an oil company and don't want a rival to gain access to confidential geological information or a Social Security recipient who doesn't want private information about her financial status given to marketers and scam artists.

## **2) Investing in Agencies' Capabilities to Manage their Information Technology Programs and Contracts through Better Training and Recruitment**

The two biggest obstacles to improving agencies' management of their information technology programs and contracts are insufficient staff and inadequate training. The Digital Tech Corps Act does nothing to address either problem. Moreover, the "exchange program" would give the Congress the false appearance of actually doing something about the inability of agencies to manage their information technology efforts and monitor their information technology service contracts. Ultimately, that means hiring more staff, providing better in-house training in cost-based contract administration, and ensuring that agencies' first concern is cost-effective implementation and integration, including

the selective application of private sector "innovations," i.e., making sure agencies are not merely following expensive fads, but are making investments that genuinely serve agencies' customers and billpayers.

The Waxman amendment would establish a Federal Information Technology Training Program, similar to the provision included in Representative Jim Turner's (D-TX) E-Government Act (H.R. 2458), that would actually help agencies to address their information technology management and contract administration problems by training and recruiting employees in information technology disciplines.

The Waxman amendment would establish training courses with real standards that would generate real results for the taxpayers and customers who depend on agencies for reliable information technology work. Contrast that common-sense approach with H.R. 3925, which would simply send agencies' federal employee information technology professionals to work for private sector firms, despite the shortage of such in-house staff as asserted in the legislation's own findings.

Moreover, H.R. 3925 imposes no requirements on contractors with respect to training federal employees who participate in the "exchange program." Who knows if they will have opportunities to learn anything of value to their agencies? Who knows if they will have opportunities to learn anything of value, period? Given the finite money available for training, we need to spend those precious dollars wisely. What would make more sense to taxpayers and customers? Investing in real, hands-on training or blowing money on unformed and untested "apprenticeships?"

Only by passing the Waxman Amendment can the Digital Tech Corps even begin to be salvaged—because that is the only way to both eliminate the myriad conflicts of interest created by the legislation and invest in agencies' own capacities to manage their information technology efforts through real training and recruitment.

Thank you for your consideration of our views. Please contact Beth Moten or John Threlkeld in AFGE's Legislative Department at (202) 639-6413 if you have any questions about the contents of this legislation.

Sincerely,



Bobby L. Harnage, Sr.  
National President